IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 4704 OF 2007
IN
FIRST APPEAL NO. 2122 OF 2005

Shivaji Narhari Kawade ... Applicant

V/s.

Ramchandra Narhari Kawade & Ors. ... Respondents

Mr. Mandar Limaye for the Applicant

Mr. Nitesh Bhutekar i/by Mr. U.P. Warunjikar for Respondent No. 5

Mr. Milind Deshmukh for Respondent No. 8.

CORAM: **J.N. PATEL AND**
A.A. SAYED, JJ.
DATE: **SEPTEMBER 28, 2007**

P.C.:-

1. The appellant has moved this Court seeking an injunction.

2. This is an appeal arising out of the suit for partition, which has been decreed.

3. The learned counsel appearing for the respondents submit that the contention of the appellant that the respondents are trying to encumber or alienate the property is not correct.

4. In view of the fact that there is no quarrel over the issue that the parties have interest in the property, it will be proper that the same is preserved till the disposal of the appeal. Therefore, parties are directed to maintain *status quo* in respect of the subject-matter of the appeal, i.e., the suit property, till the appeal is disposed of, and preserve the property.

5. The Civil Application stands disposed of accordingly.

J.N. PATEL, J.

A.A. SAYED, J.